

REMARKS

The Office Action has been received and carefully considered. Claims 1-11 and 13-26 are pending in the application. Claims 1-11 and 13-26 are rejected. Claim 12 has previously been canceled without prejudice or disclaimer. Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

REJECTION OF CLAIMS 1-11 AND 13-26

Claims 1-11 and 13-26 stand rejected under a provisional obviousness-type double patenting rejection as being unpatentable over claims 1-7, 9-27 and 29 of U.S. Application 10/602,923. *Office Action*, pp. 2-3. As indicated in the Office Action, a timely filed terminal disclaimer may be used to overcome this rejection. A terminal disclaimer is being filed concurrently with this response, thereby rendering this rejection moot. Please note that a terminal disclaimer is also being filed for Application 10/602/923.

Accordingly, Applicant submits that claims 1-11 and 13-26 are in condition for allowance and allowance thereof is respectfully requested.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

CONCLUSION

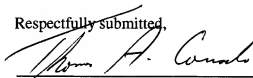
The foregoing is submitted as a full and complete Response to the Final Office Action mailed August 26, 2008, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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Respectfully submitted,



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